



DATE: January 8, 2014

TO: Washington State Board of Health Members

FROM: Environmental Health Committee
Keith Grellner, Chair

SUBJECT: REQUEST FOR DELEGATION CHAPTER 246-282 WAC, SANITARY
CONTROL OF SHELLFISH – STANDARDIZE REFERENCE TO NSSP GUIDE

Background and Summary:

The Washington State Board of Health has responsibility under chapter 69.30 RCW to adopt rules controlling the sanitary growing and distribution of molluscan shellfish. These rules reference the United States Food and Drug Administration standards called the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish (the NSSP Guide). Section II of the NSSP Guide is called the Model Ordinance and contains requirements allowing for interstate shipment. The Board delegated rule making to the Department of Health in June 2013 to update the reference to the most current version of the NSSP Guide, the 2011 version. The Department recently completed that update.

During the recent update, the Department received comments that terms used to reference requirements of the NSSP Guide were inconsistent throughout chapter 246-282 WAC. In order to prevent confusion, the Department would like to standardize the reference term. It is requesting delegation from the Board to do this quickly. The Department believes this rule making would be within the criteria for delegation established in Board policy 2000-01, Considering Delegation of Rules to the Department of Health.

Mark Soltman, Policy and Legislative Manager for the Division of Environmental Public Health, is here today to explain the request. Included in your packets under Tab 9 are a request for delegation memo from Maryanne Guichard, Assistant Secretary for Environmental Public Health, and a copy of the Board's delegation policy.

Recommended Board Action:

The Environmental Health Committee recommends the Board adopt the following motion:

The Board delegates to the Department of Health authority to adopt revisions to chapter 246-282 WAC, Sanitary control of shellfish, that standardize the reference throughout the chapter to requirements of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

Staff Contact: Ned Therien
